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Attorneys for Plaintiff League of Wilderness Defenders/Blue Mountains
Biodiversity Project

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LEAGUE OF WILDERNESS DEFENDERS /
BLUE MOUNTAINS BIODIVERSITY PROJECT

Plaintiff,

v.

SLATER R. TURNER, *et al.*,

Defendants.

) Case No. 2:16-CV-01648-MO
)
)
) DECLARATION OF KAREN
) COULTER IN SUPPORT OF
) PLAINTIFF'S FEE PETITION
)
)
)
)
)

I, Karen Coulter, declare and state as follows:

1. I am the director of the Blue Mountains Biodiversity Project which is a project of the League of Wilderness Defenders. Plaintiff League of Wilderness Defenders-Blue Mountains Biodiversity Project (LOWD) is a 501(c)(3) non-profit corporation whose mission is to protect and restore the biodiversity of the Blue Mountains region of Oregon and Washington and to educate the public about threats to forest ecosystems in Eastern Oregon.
2. LOWD and its supporters actively participate in governmental decision-making processes with respect to public lands, including the Ochoco National Forest.
3. LOWD is a 501(c)(3) organization under the Internal Revenue Code, with an individual net worth of far less than \$7,000,000.
4. LOWD had fewer than 500 employees at the time suit was filed.
5. LOWD researched potential attorneys to bring the above-referenced case on its behalf. In the past LOWD has been unable to find any suitable counsel who would take a case like this at the EAJA hourly rate of \$125/hr in the Pacific Northwest, so LOWD focused on attorneys who it knew might be willing to take the case at higher contingent rates based on their training or experience.
6. LOWD sought attorneys with extensive experience, skill, and understanding of forest ecosystems and the applicable federal environmental laws. We contacted Mr. Buchele, among others, because Mr. Buchele had successfully represented LOWD for similar cases, and

he has extensive experience litigating issues regarding the Forest Service's compliance with NFMA and NEPA and obtaining preliminary injunctions. However when we first contacted Mr. Buchele in early 2016 he was too busy to take on the case. He suggested LOWD should retain his former student, Jesse Buss, whom Mr. Buchele believed had the necessary training from his time as a student at Lewis & Clark and from his subsequent work on some environmental matters in state court. Initially Mr. Buss was the only qualified attorney found by LOWD who was willing and available to represent LOWD in this case. Mr. Buchele's docket subsequently became less busy, and LOWD then also retained Mr. Buchele to represent it for this matter. Both attorneys agreed to represent LOWD in the case based on their expectation that, because of their training and experience, they would be able to seek market rates under EAJA if their representation was successful.

7. LOWD believes that the above-referenced experience and skills in paragraph 6, held by both Mr. Buchele, and Mr. Buss were crucial to the success of this litigation.

Pursuant to 28 U.S.C. Sec. 1746 I declare under penalty of perjury that the foregoing is true and correct.

Executed this 27th day of June, 2017 at Fossil, Oregon by:

s/Karen Coulter

Karen Coulter
Director
League of Wilderness Defenders-Blue Mountains Biodiversity Project